

## The Honorable Edward F. Shea

Thomas D. Adams  
Celeste Mountain Monroe  
**KARR TUTTLE CAMPBELL**  
1201 Third Avenue, Suite 2900  
Seattle, Washington 98101-3028  
(206) 223-1313  
Attorneys for North Central Regional Library District

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

SARAH BRADBURN, PEARL  
CHERRINGTON, CHARLES  
HEINLEN, and THE SECOND  
AMENDMENT FOUNDATION,  
Plaintiffs,  
v.  
NORTH CENTRAL REGIONAL  
LIBRARY DISTRICT,  
Defendant.

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)  
NO. CV-06-327-EFS  
)  
)  
SUPPLEMENTAL DECLARATION  
OF DAN HOWARD IN SUPPORT OF  
NCRL'S MOTION FOR SUMMARY  
JUDGMENT  
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SUPPLEMENTAL DECLARATION OF  
DAN HOWARD IN SUPPORT OF  
NCRL'S MOTION FOR SUMMARY

## JUDGMENT - 1

CV-06-327-EFS

#657033 v1 / 42703-001

*Law Offices*  
**KARR TUTTLE CAMPBELL**  
*A Professional Service Corporation*

1 I, Dan Howard, declare as follows:

2 1. I am over the age of 18 and competent to testify to the matters set  
3 forth herein.

5 2. Currently, I am the Director of Public Services for North Central  
6 Regional Library.

7 3. I evaluate patron requests to have Internet content unblocked.

9 4. In support of their Opposition to NCRL's Motion for Summary  
10 Judgment, Plaintiffs offered Ex. FFF, attached hereto. This exhibit purports to  
11 summarize unblocking requests received by NCRL between 10/1/07 and  
12 2/20/08, and includes NCRL's alleged response. I have carefully reviewed  
13 Plaintiff's Ex. FFF and believe that clarifications are necessary.

14 5. Plaintiff's maintain that it is unclear if, or how, NCRL responded to  
15 11 of the 92 unblocking requests detailed in Exhibit FFF. With respect to each,  
16 the following actions were taken:

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27 SUPPLEMENTAL DECLARATION OF  
28 DAN HOWARD IN SUPPORT OF  
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JUDGMENT - 2

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Law Offices  
**KARR TUTTLE CAMPBELL**  
*A Professional Service Corporation*  
1201 Third Avenue, Suite 2900, Seattle, Washington 98101-3028  
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<u>Item # from Ex. FFF</u>	<u>Response to Patron</u>	<u>Reason</u>	<u>Action Taken with Requested Site</u>
#7	No contact made	Patron did not leave contact information.	NCRL was not able to confirm if "pitbul" was a site that was actually blocked, or that this was even the site the patron was requesting given the lack of information in the request. (Ex. A)
#10	No contact made	Patron did not leave contact information	Yahoo.com was available at this time. (Ex. B)
#65	No contact made	Patron did not leave contact information	Newgrounds.com was available at this time. (Ex. C)
#69	No contact made	Patron did not leave contact information	runescape.com is blocked at 5 branches (Wenatchee, Leavenworth, Quincy, Ephrata, and Soap Lake) due to technical problems with the older computer systems. Use of the website runescape.com at these 5 locations freezes up the Internet terminals making all the public computers unusable. These systems are being replaced this year. (Ex. D).

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JUDGMENT - 3

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1	#70	Letter sent January 9, 2008. (Ex. E)		The site stevehaworth.com remained blocked due to the presence of pornographic content (Ex. E)
2	#71	No contact made	Patron left the wrong telephone number	Google Images remains blocked. (Ex. F)
3	#72	E-mail dated January 10, 2008. (Ex. G)		The patron did not request a specific site or area of content and did not respond to NCRL's request for additional information. (Ex. G)
4	#74	No contact made	Patron did not leave contact information	Happyhacker.com remained blocked as it was properly categorized as a “hacking site” and this content is blocked by NCRL’s filtering profile. (Ex. H)
5	#77	Email dated January 16, 2008. (Ex. I)		The site electricraystanning.com was immediately unblocked in response to this patron’s request. (Ex. I)
6	#82	Letter dated January 26, 2008 (Ex. J)		The site popupmoney.info remained blocked as it

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**KARR TUTTLE CAMPBELL**  
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			was properly categorized as “proxy avoidance” and this content is blocked by NCRL’s filtering profile. (Ex. J)
#83	No contact made	Patron’s contact information was incorrect	NCRL was not able to confirm if “goole” was a site that was actually blocked, or that this was even the site the patron was requesting given the lack of information in the request. (Ex. K)

6. Of the 93 unblocking requests on Ex. FFF, 63 were for sites that were blocked and 29 were for sites that were not blocked or were blocked for undetermined problems not related to the filter. These items numbers include: 3, 5, 6, 8, 9, 10, 16, 17, 24, 25, 27, 30, 40, 46, 47, 49, 51, 52, 55, 56, 57, 65, 66, 67, 72, 81, 83, 84, 89.

7. Notably, Plaintiffs also omitted the name of the site requested on Item #53 in Ex. FFF. The requested site was [www.freeporn.com](http://www.freeporn.com).

## SUPPLEMENTAL DECLARATION OF DAN HOWARD IN SUPPORT OF NCRL’S MOTION FOR SUMMARY

### JUDGMENT - 5

CV-06-327-EFS  
#657033 v1 / 42703-001

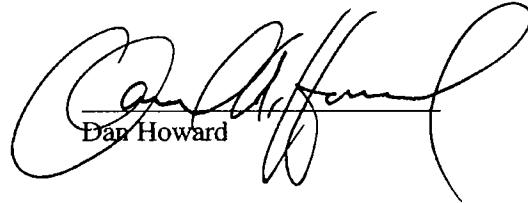
*Law Offices*  
**KARR TUTTLE CAMPBELL**  
*A Professional Service Corporation*

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Telephone (206) 223-1313, Facsimile (206) 682-7100

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.  
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5 Dated this 28<sup>th</sup> day of March, 2008 at Wenatchee,  
6 Washington.

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Dan Howard

SUPPLEMENTAL DECLARATION OF  
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JUDGMENT - 6  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

Duncan Manville  
1629 2nd Ave. W  
Seattle, WA 98119

Catherine Crump  
American Civil Liberties Union  
Foundation  
125 Broad Street, 17<sup>th</sup> Floor  
New York, NY 10004

Aaron Caplan  
ACLU of Washington  
705 Second Ave., Ste. 300  
Seattle, WA 98103

## KARR TUTTLE CAMPBELL

By:

Heather L. White  
hwhite@karrtuttle.com

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JUDGMENT - 7  
CV-06-327-EFS  
#657033 v1 / 42703-001

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*A Professional Service Corporation*

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